

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERNEST KHALID CALVERT, JR., *aka*
Jonathan, aka Brandon,

Defendant.

CR 15-22-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 18, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Ernest Khalid Calvert, Jr.’s

guilty plea after Calvert appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 371 (Count 1), and two counts of aggravated identity theft and aiding and abetting in violation of 18 U.S.C. §§ 2 and 1028A(a)(1) (Counts 24 and 25), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 2-23, 26, and 27 of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 41), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Ernest Khalid Calvert, Jr.'s motion to change plea (Doc. 29) is GRANTED and Ernest Khalid Calvert, Jr. is adjudged guilty of the offenses charged in Counts 1, 24, and 25 of the Indictment.

DATED this 4th day of September, 2015.



Dana L. Christensen, Chief District Judge
United States District Court